

<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER 043048/293330
U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/538,818		
INTERNATIONAL APPLICATION NO. PCT/DE2003/004084	INTERNATIONAL FILING DATE 12/11/03	PRIORITY DATE CLAIMED 12/16/02
TITLE OF INVENTION TIMBERING AND WALLING CONTROL FOR CONTROLLING THE MOVEMENTS OF TIMBERING AND WALLING UNITS IN THE COAL FACE OF A MINE		
APPLICANT(S) FOR DO/EO/US Ursula Kellermann, Christian Kellermann and Holger Kellermann		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> <li>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). This submission must include items (5), (6), (9) and (21) indicated below.</li> <li>4. <input type="checkbox"/> The US has been elected (Article 31).</li> <li>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input checked="" type="checkbox"/> A English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).           <ol style="list-style-type: none"> <li>a. <input checked="" type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))           <ol style="list-style-type: none"> <li>a. are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. have been communicated by the International Bureau.</li> <li>c. have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol>		
<b>Items 11 To 20 below concern other document(s) or information included:</b>		
<ol style="list-style-type: none"> <li>11. <input type="checkbox"/> An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.</li> <li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>13. <input type="checkbox"/> A FIRST preliminary amendment.  <input checked="" type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment.</li> <li>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</li> <li>15. <input checked="" type="checkbox"/> A substitute specification.</li> <li>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</li> <li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.</li> <li>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</li> <li>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li> <li>20. <input type="checkbox"/> Other items or information: _____</li> </ol>		

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U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) 10/538,818		INTERNATIONAL APPLICATION NO. PCT/DE03/04084		ATTORNEY'S DOCKET NUMBER 043048/293330	
<input checked="" type="checkbox"/> The following fees are submitted:					
21. <input checked="" type="checkbox"/> Basic national fee				\$	
22. <input checked="" type="checkbox"/> Examination fee If the written opinion prepared by ISA/US or the International preliminary examination report prepared by the IPEA/US indicates all claims satisfy provisions of PCT Article 33(1-4) ..... \$ 0.00 All other situations ..... \$200.00				\$	
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) ..... \$ 0.00 Search Fee (27 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Search Authority ..... \$100.00 Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB ..... \$400.00 All other situations ..... \$500.00				\$	
TOTAL OF 21, 22 and 23 =				\$	
Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing filed in an electronic medium). The fee is \$250.00 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	Rate		
- 100 =	/50 =		x \$250.00	\$	
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration later than the date of commencement of the national stage (37 CFR 1.492(h)).				\$	130.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total Claims	- 20 =		x \$ 50.00	\$	
Independent Claims	- 3 =		x \$ 200.00	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$ 360.00	\$	
TOTAL OF ABOVE CALCULATIONS =				\$	130.00
Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2. +				\$	65.00
SUBTOTAL =				\$	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	130.00
TOTAL NATIONAL FEE =				\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$	0.00
TOTAL FEES ENCLOSED =				\$	195.00
2/06/2006 ATRAN1 00000106 10538818				Amount to be Refunded:	\$
1 FC:2617 65.00 DP				Charged:	\$
<p>a. <input checked="" type="checkbox"/> A check in the amount of \$195.00 to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. 16-0605 in the amount of \$ _____ to cover the above fees.</p> <p>c. <input checked="" type="checkbox"/> A duplicate copy of this sheet is enclosed.</p> <p>The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 16-0605. A duplicate copy of this sheet is enclosed.</p>					
<p><b>Note: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status.</b></p>					
SEND ALL CORRESPONDENCE TO:			"Express Mail" Mailing Label Number EV440849564US Date of Deposit: February 2, 2006		
<p>R. Flynt Streen Registration No. 56,450 Alston &amp; Bird LLP Bank of America Plaza 101 South Tryon Street, Suite 4000 Charlotte, NC 28280-4000 Tel Charlotte Office (704) 444-1000 Fax Charlotte Office (704) 444-1111 Customer Number 00826</p>			<p>I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop PCT, Attn: DO/US (USPTO) Commissioner for Patents, Post Office Box 1450, Alexandria, VA 22313-1450.</p> <p><i>Janet F. Sherrill</i> Janet F. Sherrill</p>		

DEC 07 2005

E. Alston &amp; Bird



## UNITED STATES PATENT AND TRADEMARK OFFICE

Received By

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.

10/538,818

FIRST NAMED APPLICANT

Ursula Kellermann

ATTY. DOCKET NO.

043048/293330

INTERNATIONAL APPLICATION NO.

PCT/DE03/04084

I.A. FILING DATE

12/11/2003

PRIORITY DATE

12/16/2002

826

ALSTON & BIRD LLP  
BANK OF AMERICA PLAZA  
101 SOUTH TRYON STREET, SUITE 4000  
CHARLOTTE, NC 28280-4000

CONFIRMATION NO. 5803

371 FORMALITIES LETTER



\*OC000000017568744\*

Date Mailed: 12/05/2005

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

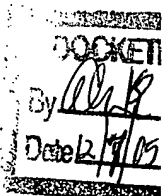
The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 06/13/2005
- Copy of the International Search Report filed on 06/13/2005
- Preliminary Amendments filed on 06/13/2005
- Oath or Declaration filed on 06/13/2005
- Small Entity Statement filed on 06/13/2005
- U.S. Basic National Fees filed on 06/13/2005
- Priority Documents filed on 06/13/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Translation of the application into English. Note a processing fee will be required if submitted later than 30 months from the priority date.
- Processing fee for providing the translation of the application and/or the Annexes later than 30 months from the priority date (37 CFR 1.492(i)).
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - Send proof that all heirs has signed the declaration
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath



or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$195** for a Small Entity:

- **\$65** Surcharge.
- **\$130** for English translation surcharge required.

Additionally the following defects have been observed:

- Preliminary Amendments have not been entered because Need a english translation.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHELBY J VIGIL

Telephone: (703) 308-9140 EXT 224

#### PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/538,818	PCT/DE03/04084	043048/293330